

## **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Council Members

**FROM/PHONE:** Mark Alan, Director of Human Resources Management (954) 797-1169

**PREPARED BY:** Mark Alan, Director of Human Resources Management

**SUBJECT:** Town Administrator Evaluation

**AFFECTED DISTRICT:** All Districts

**ITEM REQUEST:** **Schedule for Council Meeting**

**TITLE OF AGENDA ITEM:** TOWN ADMINISTRATOR EVALUATION

**REPORT IN BRIEF:** The subject item has been agendized under Old Business and concerns the Davie Town Council's evaluation of the Town Administrator's job-related performance.

Pursuant to Council direction at the November 07, 2007, Town Council Meeting, the Town Administrator's Performance Evaluation Instrument and procedure, is hereto attached.

Town Council during the April 21, 2004, Town Council Meeting established the use of the attached Town Administrator Evaluation Instrument. Council Members and the Town Administrator complete an independent, individual evaluation and provide their completed evaluation forms to the Department of Human Resources Management prior to the actual evaluation session during the Town Council Meeting. Prior to the Town Council Meeting Human Resources Management staff enters the individual assigned whole number ratings of each evaluator on the Town Administrator Evaluation Summary, and provides a copy of this Summary as well as copies of all independent, individual evaluations to the Town Administrator and to each Council Member at the Town Council Meeting for their consideration during the meeting.

**PREVIOUS ACTIONS:** Town Council utilized the Town Administrator Evaluation Instrument during the July 18, 2007, Town Council Meeting

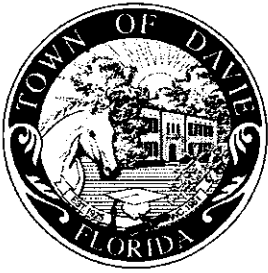
**CONCURRENCES:** not applicable

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

**Attachment(s):**

Town Administrator Evaluation Instrument  
Town Administrator Employment Agreement



## DEPARTMENT OF HUMAN RESOURCES MANAGEMENT

6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399  
PHONE: 954.797.1100 • FAX: 954.797.1079 • WWW.DAVIE-FL.GOV

### TOWN ADMINISTRATOR EVALUATION INSTRUMENT

This performance evaluation instrument provides the evaluator with the following five (5) point likert-type rating scale which is utilized to evaluate overall performance on fifty-one (51) individual items listed under four (4) separate categories. It should also be noted that the second category of the performance evaluation instrument contains three (3) subcategories.

1	2	3	4	5
<b>Does Not Meet Expectations</b>		<b>Meets Expectations</b>		<b>Exceeds Expectations</b>

Job-related performance with regard to each individual listed item should be evaluate separately and assigned a whole number rating of 1, 2, 3, 4, or 5.

The evaluation should be completed by each Council Member from the point of reference of his or her role as a member of the elected body representing the residents of the Town of Davie.

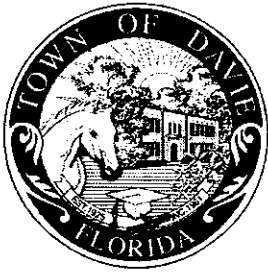
The evaluation should take into account the totality of job-related performance over the past year and not just the past month or a shorter duration of time.

The performance evaluation instrument includes a provision for an Overall Rating. An overall rating is a global rating. Therefore, in determining an overall rating, it is not recommended to "add up" the individual item ratings and arrive at an average rating, since individual items are not necessarily of equal weight with regard to importance and/or criticality.

The performance evaluation instrument includes provisions for written comments.

#### Suggestions for Conducting the Actual Evaluation Session

1. Councilmembers should complete their individual evaluation forms independently and prior to the actual evaluation session.
2. The Town Administrator should complete a self-assessment using the same evaluation forms prior to the actual evaluation session.
3. The actual evaluation session should be conducted in a setting where there are as few interruptions as possible and where all participants are seated at the same level.
4. The Town Administrator should be present during the evaluation session.



DEPARTMENT OF HUMAN RESOURCES MANAGEMENT

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**TOWN ADMINISTRATOR EVALUATION FORM**

Gary Shimun

Use the following rating scale to evaluate overall performance on each individual item listed under each category:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Does Not Meet Expectations</b>		<b>Meets Expectations</b>		<b>Exceeds Expectations</b>

**Category 1: RELATIONS WITH GOVERNING BODY/PROVIDING INFORMATION**

<b>Item No.</b>	<b>Item</b>	<b>Rating</b>
1	Keeps the Council informed in an appropriate and timely manner about matters critical to the Council's policy making role.	
2	Provides information on an equal basis to all Councilmembers.	
3	Anticipates and follows up promptly on Council requests for information or action without having to be reminded.	
4	Available to the Council on official business either personally or through designated subordinates.	
5	Reports departmental and staff activities to the Council in an appropriate and timely manner.	
6	Advises the Council of relevant legislation and developments in the area of public policy affecting the Town of Davie.	
7	Developed, or is in the process of developing, comprehensive understanding of the problems and issues existing in the Town of Davie.	
8	Considers all available alternatives before making recommendations to the Council.	
9	Anticipates, plans, and prioritizes future needs and programs recognizing the potential problems confronting the Town.	
10	Carries out directives of the Council as a whole rather than those of any individual Councilmember.	

*Comments:*

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**TOWN OF DAVIE**  
**DEPARTMENT OF HUMAN RESOURCES MANAGEMENT**  
**Town Administrator Evaluation**

**Category 2: ORGANIZATIONAL RELATIONS**

**A. FISCAL MANAGEMENT**

Item No.	Item	Rating
1	Develops and administers a process of budget preparation and review which meets the requirements of the Town Charter, and expectations of the Council in its decision making role.	
2	Controls operational and capital costs through adequate budgetary controls and the judicious/economical utilization of manpower, material and equipment.	
3	Provides the Council with timely and sufficient reports on the financial status of the Town government in accordance with the Charter and requirements of the Council.	

*Comments:*

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**B. PERSONNEL MANAGEMENT**

Item No.	Item	Rating
1	Effectuates sound personnel selection and placement policies.	
2	Recruits and retains competent personnel for Town positions.	
3	Communicates organizational values, directions, and expectations.	
4	Creates an environment for organizational and employee learning.	
5	Motivates personnel through leadership and training so that they are increasingly effective in the performance of their duties, in achieving common goals and objectives, and in nurturing an attitude of courtesy, helpfulness, and sensitivity to the public.	
6	Promotes and supports the "public service role" for all Town employees emphasizing exemplary performance.	
7	Creates an environment that fosters and requires legal and ethical behavior.	
8	Assumes responsibility for staff performance.	
9	Treats all Town personnel in a fair and equitable manner.	
10	Organizes and manages work and jobs to promote cooperation, initiative, empowerment, innovation, and organizational culture.	
11	Motivates employees to develop and utilize their full potential.	

*Comments:*

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**TOWN OF DAVIE**  
**DEPARTMENT OF HUMAN RESOURCES MANAGEMENT**  
**Town Administrator Evaluation**

**Category 2: ORGANIZATIONAL RELATIONS** (continued)

**C: MANAGING THE ORGANIZATION**

Item No.	Item	Rating
1	Executes the policies adopted by the Council in a timely and appropriate fashion.	
2	Plans and executes organizational priorities in a manner reflective of the Town's stated mission and goals, and satisfactory to the Council.	
3	Analyzes organizational problems or issues and identifies causes, reasons, implications, and solutions employing all available technologies, systems and methods.	
4	Executes the short and long-term goals and objectives of the Town in a timely and effective manner.	
5	Communicates effectively, clearly, easily and to the point.	
6	Demonstrates sensitivity to the opinions and concerns of others in and outside the organization.	
7	Emphasizes the importance of teamwork and leadership in his/her relationship with the organization, and serves as a role model for personnel.	
8	Accepts new ideas and suggestions for change.	
9	Adapts to and deals effectively with unanticipated conditions and situations.	
10	Presents and utilizes innovative solutions to conditions and situations affecting the Town.	
11	Keeps informed on legislative issues that may affect the Town.	
12	Sets and deploys organizational values, short- and longer-term directions, and performance expectations.	
13	Creates an environment for empowerment, innovation, and organizational agility.	
14	Implements organization-wide strategic planning process.	
15	Selects, collects, aligns, and integrates data and information for tracking daily operations and for tracking overall organizational performance.	
16	Keeps data and information availability mechanisms, including software and hardware systems, current with organizational needs and directions.	
17	Capitalizes on the diverse ideas, cultures, and thinking of employees and the community with which the organization interacts.	
18	Addresses workplace health, safety, and security.	

*Comments:*

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**TOWN OF DAVIE**  
**DEPARTMENT OF HUMAN RESOURCES MANAGEMENT**  
**Town Administrator Evaluation**

**Category 3: RELATIONS WITH THE PUBLIC**

Item No.	Item	Rating
1	Handles disputes or complaints involving citizens in an effective, equitable, and timely manner.	
2	Makes himself/herself available and visible to the citizens of Davie in an appropriated manner.	
3	Presents Council policies and positions on issues to the citizens and Town organization accurately, equitable, and effectively.	
4	Directs sufficient public credit to the Council in its role as the Governing Body.	
5	Anticipates public concerns with current and future services, programs, and operations and prepare for these concerns in a proactive manner.	
6	Ensures workplace preparedness for emergencies or disasters and seek to ensure organizational continuity for the benefit of citizens and employees.	

*Comments:*

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**Category 4: RELATIONS WITH OTHER GOVERNMENTS**

Item No.	Item	Rating
1	Deals effectively with other governmental agencies at all levels in representing the Town of Davie.	
2	Develops and administers an effective program of grantsmanship.	
3	Cooperates with neighboring communities and maintains open communications with other municipalities in areas that may affect or relate to the Town.	

*Comments:*

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**TOWN OF DAVIE**  
**DEPARTMENT OF HUMAN RESOURCES MANAGEMENT**  
**Town Administrator Evaluation**

**List any goals, achievements, objectives:**

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*Additional information/comments may be attached at the option of the evaluator.*

OVERALL RATING \_\_\_\_\_  
(Considering all items above)

Note: It is not recommended to "add up" the individual item ratings and arrive at an average rating.

\_\_\_\_\_  
Council Member (Please Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Evaluation Was Completed

## EMPLOYMENT AGREEMENT

THIS AGREEMENT entered into this 1st day of NOVEMBER 2006, by and between the Town of Davie, Florida, a municipal corporation (hereinafter "Davie") and Gary P. Shimun (hereinafter "Town Administrator").

### WITNESSETH

WHEREAS, the office of the Town Administrator is a unique position created by the Charter of the Town of Davie, with responsibility to supervise the administrative activity of the Town and to provide for the coordination of such activities; and

WHEREAS, Davie desires to employ the services of Gary P. Shimun as Town Administrator of the Town of Davie, to fulfill the responsibilities of the office as specified in the Town Charter; and

WHEREAS, as an inducement to employment, it is the desire of the Town Council to provide certain benefits, to establish certain distinct conditions of employment appropriate to the chief administrator of Davie, and to set working conditions of Town Administrator; and

WHEREAS, Town Administrator desires to accept employment as Town Administrator of the Town of Davie; and

WHEREAS, Davie and Town Administrator wish to formalize the terms of appointment as Town Administrator.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

#### Section 1. Duties:

Davie hereby agrees to employ Gary P. Shimun as Town Administrator of the Town of Davie to perform the functions and duties specified in Section 6 of the Town Charter and to perform other legally permissible and proper duties and functions as the Council shall from time to time assign. The Town Administrator shall devote his full time professional employment to the Town of Davie and will not accept any outside employment without the express knowledge and consent of the Davie Town Council.

#### Section 2. Term.

A. The employment of the Town Administrator shall be without definite term and shall continue until reassigned.

B. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the Council to terminate the services of Town Administrator at any time, subject only to the provisions set forth in Section 3 of this agreement.

C. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of Town Administrator to resign at any time from his position with Davie, subject only to the provisions set forth in Section 4 of this agreement.

### **Section 3. Termination and Severance Pay.**

A. In the event Town Administrator is terminated from the Town's employment without cause by the Council and provided that the Town Administrator is willing and able to perform his duties under this agreement, then in that event, Davie agrees to pay Town Administrator a sum equal to not more than (12) months aggregate salary, benefits and the deferred compensation payable as follows:

- (1) A cash payment equal to six (6) months aggregate salary paid at time of termination;
- (2) Commencing with the first pay period subsequent to termination, an additional severance paid periodically as payroll for a period not to exceed six (6) months.

Medical, dental and pension benefits shall continue until the expiration of twelve (12) months from termination or until Town Administrator is employed by another employer, whichever occurs first. Town Administrator shall also be compensated for all earned sick leave, vacation, holidays, compensatory time, and other accrued benefits to date as provided for herein. In the event Town Administrator is terminated for cause, Davie shall have no obligation to pay the aggregate or periodic severance sum designated in this paragraph, nor continue any of the benefits outlined herein. For purposes of this agreement, "for cause" shall mean conduct which constitutes any felony whatsoever or a misdemeanor directly relating to his power, duties, or privileges as Town Administrator, violation of the Town Charter or any misdemeanor involving moral turpitude.

B. Davie shall have the right to terminate the employment of the Town Administrator without cause for any reason without any prior notice subject only to the provisions of this Agreement.

### **Section 4. Resignation.**

In the event Town Administrator voluntarily resigns his position with Davie, then Town Administrator shall give Davie ninety (90) days notice in advance, unless the parties agree otherwise. The Town Administrator shall be compensated for all earned sick leave, vacation, holidays, compensatory time and other accrued benefits to date.

### **Section 5. Disability.**

If Town Administrator is unable to perform his duties for a period of twelve (12) successive weeks beyond any unused leave, or for ninety (90) working days over a one hundred and twenty (120) working day period, Davie shall have the option to terminate this agreement, subject to the severance pay requirements of Section 3(A). Part or all of the Town's obligation under this provision may be provided at the Town's option through disability insurance, the premium for which shall be paid for by the Town.

### **Section 6. Salary**

Davie agrees to pay Town Administrator for his services rendered pursuant hereto an annual base salary \$162,000.00, payable in installments at the same time that other management employees of Davie are paid. In addition, Davie agrees to increase base salary and/or benefits of Town Administrator in such

amounts and to such extent as the Council may determine that it is desirable to do so on the basis of an annual salary review of said Town Administrator. Cost of living increases shall be credited to base salary as any other executive/management employee.

#### **Section 7. Performance Evaluation.**

A. The Council shall review and evaluate the performance of the Town Administrator at least once annually. Said review and evaluation shall be consistent with the stated goals and objectives referred to in paragraph B below.

B. The Council and Town Administrator may annually define goals and performance objectives that they determine necessary for the proper operation of the Town of Davie and in the attainment of the Council's policy objectives and shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced in writing. They shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations provided.

#### **Section 8. Executive Days.**

It is recognized that the Town Administrator must devote a great deal of time outside the normal office hours to business in Davie, and to that end, Town Administrator will be allowed to take fifteen (15) executive days each year.

#### **Section 9. Automobile.**

Town Administrator's duties require that he shall have the exclusive and unrestricted use at all times during his employment with Davie of an automobile provided to him by Davie. Davie shall be responsible for paying for liability, property damage, and comprehensive insurance, and for the operation, maintenance and repair of said automobile. It is understood that Town of Davie shall not be responsible for providing fuel for any use of said automobile outside of Broward County for personal uses. In the event that Town Administrator wishes not to accept said automobile, the Town shall pay to Town Administrator the sum of \$550.00 per month.

#### **Section 10. Vacation and Sick Leave.**

The Town Administrator shall accrue twenty (20) vacation days per year. There shall be no maximum accrual of vacation or sick leave. In the event of voluntary separation or in the event of termination pursuant to Section 3(A) above, there shall be a payout of all accumulated vacation time, sick leave and compensatory time. In the event of involuntary termination without cause, Town Administrator shall be paid 100% accumulated sick leave, vacation and compensatory time, not to include executive days.

#### **Section 11. Disability, Health and Life Insurance.**

A. Davie agrees to put into force and to make required premium payments for Town Administrator for a term life insurance policy in the amount of \$250,000.00 to the named beneficiary at non-smoker rate.

B. Davie agrees to provide medical, dental and disability insurance for Town Administrator and his dependents in the same manner as currently being offered to general Town employees.

**Section 12. Pension.**

Davie shall provide the rights and privileges afforded all management employees participating in the Management and General Employees Defined Benefit Pension Plan. Davie and the Town Administrator agree to discuss other potential alternatives at the time of future Town Administrator evaluations.

**Section 13. Dues and Subscriptions.**

Davie agrees to budget and pay for, on an annual basis subject to annual review and appropriation, the professional dues and subscriptions of Town Administrator for International City/County Manager Association, Florida City County Managers Association, American Planning Association, Government Finance Officers Association, which are deemed necessary and desirable for his continued professional participation, growth and advancement, and for the good of Davie.

**Section 14. Professional Development.**

Davie does hereby agree to budget for and to pay the travel and subsistence expenses of Town Administrator for the professional and official travel pursuant to Davie's policy or practice, as the same now exists or may be hereafter modified. Town Administrator shall be allowed at a minimum to attend the Annual ICMA conference, Florida League of Cities state meetings and/or Annual Conference, the annual Florida City Managers Conference, Broward Days and any other events or professional training related to his duties.

**Section 15. General Expenses.**

Davie recognizes that certain expenses of a non-personal and job related nature are incurred by Town Administrator, and hereby agrees to reimburse or to pay said general expenses upon receipt of duly executed expenses vouchers, receipts, statements or personal affidavits pursuant to Town policy, as the same now exists or may be hereafter modified. The amount of general expenses paid by Davie shall be approved by the Town Council during the annual budget process or at other such times as appropriate that will be submitted by the Town Administrator to the Town Council for action.

**Section 16. Indemnification.**

Davie shall defend, save harmless, and indemnify Town Administrator to the extent allowed by law against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Town Administrator's official duties as Town Administrator.

**Section 17. Bonding.**

Town may require bonding of Town Administrator and if so, Davie shall bear the full cost of any fidelity or other bonds required of the Town Administrator under any law or ordinance.

**Section 18. Other Terms and Conditions of Employment.**

A. All provisions of the Town Charter and Code, and regulations and rules of Davie relating to vacation and sick leave, retirement and pension system contributions, holidays, tuition, and other benefits and working conditions as they now exist or hereafter may be amended, also shall apply to Town Administrator as they would to other employees of Davie, except as herein provided or modified.

**Section 19. General Provisions.**

A. The text herein shall constitute the entire agreement between the parties and cannot be amended except by written document executed with the same formalities as the original.

B. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Town Administrator.

C. This agreement shall become effective commencing NOVEMBER 20, 2006.

D. If any provision of, or any portion thereof, contained in this agreement is held unconstitutional, invalid or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

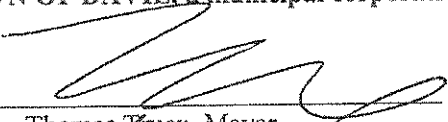
E. Any claim, objection or dispute arising out of the terms of this agreement shall be litigated in the Seventeenth Judicial Circuit in and for Broward County, Florida.

F. The validity, construct and effect of this agreement shall be governed by the laws of the State of Florida.


IN WITNESS WHEREOF, the Town of Davie has caused this agreement to be signed and executed on its behalf by its Mayor, and duly attested by its Town Clerk, and the Town Administrator has signed and executed this agreement, both in duplicate, the day and year first above written.

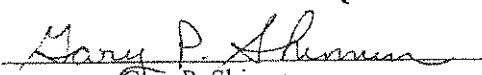
**TOWN OF DAVIE, a municipal corporation**

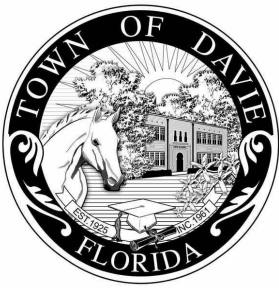
BY;

  
Thomas Truex, Mayor


Attest:

  
Russell Muniz, Town Clerk

  
Gary P. Shimun



DEPARTMENT OF HUMAN RESOURCES MANAGEMENT  
6591 ORANGE DRIVE \_ DAVIE, FLORIDA 33314-3399  
PHONE : 954.797.1100 \_ FAX: 954.797.1079 \_ WWW.DAVIE-FL.GOV

**DATE:** November 08, 2007  
**TO:** Mayor and Council Members  
**VIA:** Gary Shimun, Town Administrator  
**FROM/PHONE:** Mark Alan,  Director of Human Resources Management (954) 797-1169  
**SUBJECT:** TOWN ADMINISTRATOR'S EVALUATION  
**AGENDA DATE:** November 27, 2007  
**ITEM NUMBER:** 7.1

The subject item has been agendaized under Old Business as Agenda Item 7.1 and concerns the Davie Town Council's evaluation of the Town Administrator's job-related performance. As requested by Town Council, backup for the item includes the Town Administrator's Employment Agreement effective November 20, 2006, which is attached.

Pursuant to Town Council direction at the November 07, 2007, Town Council Meeting, Council Members are to complete an independent, individual evaluation and provide their completed evaluation forms to the Department of Human Resources Management (HRM) by the end of the workday on Friday, November 23, 2007, in order to allow time for HRM staff to complete entry to the Town Administrator Evaluation Summary document, to make copies of the Summary and of individual evaluation forms, and provide the copies to the Town Administrator and to each Council Member at the Town Council Meeting for their consideration during the meeting.

A blank copy of the Town Administrator Evaluation Instrument is attached.

c: Ken Cohen, Assistant Town Administrator  
Russell Muniz, Town Clerk

Attachments - Town Administrator Evaluation Instrument  
- Town Administrator's Employment Agreement

MA:ma



Mark Alan/Davie  
11/08/2007 04:20 PM

To Council Members, Gary Shimun/Davie@Davie  
cc Ken Cohen/Davie@Davie, Russell Muniz/Davie@Davie  
bcc  
Subject Town Administrator Evaluation

The subject item has been agendaized for the November 27, 2007, Town Council Meeting under Old Business as Agenda Item 7.1 and concerns the Davie Town Council's evaluation of the Town Administrator's job-related performance. As requested by Town Council, backup for the item includes the Town Administrator's Employment Agreement effective November 20, 2006.

Pursuant to Town Council direction at the November 07, 2007, Town Council Meeting, Council Members are to complete an independent, individual evaluation and provide their completed evaluation forms to the Department of Human Resources Management (HRM) by the end of the workday on Friday, November 23, 2007, in order to allow time for HRM staff to complete entry to the Town Administrator Evaluation Summary document, to make copies of the Summary and of individual evaluation forms, and provide the copies to the Town Administrator and to each Council Member at the Town Council Meeting for their consideration during the meeting.

Hard copies of the following documents, copies of which are attached below, have been placed on your desks today.

- Memorandum to Town Council Regarding Town Administrator Evaluation
- Town Administrator Evaluation Instrument
- Town Administrator's Employment Agreement

Please contact me should you have any questions regarding this matter.

Mark Alan, M.S.  
Director of Human Resources Management  
Town of Davie  
6591 Orange Drive  
Davie, FL 33314-3399

mark\_alan@davie-fl.gov  
945.797.1100 Office  
945.797.1079 Fax

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1127-2007 Town Administrator Evaluation memo to Council11-08-07.pdf



1127-2007 Town Administrator Evaluation Instrument.pdf



Employment Agreement - Town Administrator 11-20-06.pdf